

REMARKS/ARGUMENTS

In response to the Office Action dated June 10, 2005, claims 1-8, 10, 11 and 13 are amended, claims 9, 12 and 14 are canceled, and claims 15-19 are added. Claims 1-8, 10, 11, 13 and 15-19 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 101

Claims 8, 10, 11 and 13 are rejected under 35 U.S.C. §1101 as being directed to non-statutory subject matter.

By this response, independent claims 8, 10 and 13 are amended to recite statutory subject matter in accordance with *C.f. In re Wamerdam*. Consequently, withdrawal of the rejection is respectfully solicited.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

Claims 1-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ladner et al. (USPN 6,002,855).

The rejection is moot as to cancelled claims 9, 12 and 14, and traversed as to claims 1-8, 10, 11 and 13.

In the Office Action, the Examiner interprets “define space” in Ladner et al. as being the article for comparison (see tope of page 5 of the Office Action). However, “space”, defined or undefined, is not “an article”. If the Examiner disagrees, it is requested that that the Examiner provide a definite of “space” that evinces that it is “an article”.

As Ladner et al. does not disclose “an article” for comparison, claims 1-8, 10, 11 and 13 are patentable over Ladner et al.

At any rate, to expedite prosecution, independent claims 1, 7, 8, 10 and 13 are amended to recite additional subject matter that is patentable over Ladner et al. Thus, amended independent claim 1 now recites, *inter alia*:

the image of the commercial product and the image of the article for comparison are displayed under a same scale on said one screen of the displaying device.

This subject matter is based on the disclosure at paragraph [0079] of the present application.

Independent claims 7, 8, 10 and 13 are similarly amended.

As Ladner et al. does not disclose that the images of a commercial product and an article for comparison are displayed with a same scale for defining relative size of the commercial product and the article for comparison, claims 1, 7, 8, 10 and 13, as amended, are patentable over Ladner et al., as are dependent claims 2-6 and 11. Thus, the allowance of claims 1-8, 10, 11 and 13, as amended, is respectfully solicited.

OTHER AMENDMENTS TO CLAIMS AND NEW CLAIMS

The preambles of independent claims 1, 7, 8, 10 and 11 are amended to provide clarity. In addition, a new dependent claim is added to each independent claim. New dependent claim 15 delineates:

a display magnification for the article for comparison is calculated based on the size of the article for comparison, and both the size and a display magnification of the displayed commercial product, and
the article for comparison is displayed at a predetermined position within the observation image based on the calculated display magnification.

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New dependent claims 16-19 recite similar subject matter.

As amended independent claims 1, 7, 8, 10 and 13 are patentable over Ladner et al., dependent claims 15-19 are patentable over Ladner et al. also and their allowance is respectfully solicited.

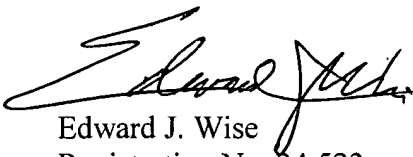
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Edward J. Wise
Registration No. 34,523

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EJW:cac
Facsimile: 202.756.8087
Date: September 12, 2005

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